

FE 6071

PATENT

URGENT-EXPEDITED
CONSIDERATION REQUESTED
BY HAND DELIVERY



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
Luigi Resconi et al.)
Serial Number: 10/536,858 ✓) Group Art Unit: 1713
Filed: May 27, 2005) Examiner: Rip Lee
For: PROCESS FOR PREPARING)
I-BUTENE POLYMERS)

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

April 4, 2007

PETITION PURSUANT TO RULE 37 C.F.R. §1.313(c)(2) AND MPEP § 1308

Sir:

This is a petition pursuant to 37 CFR § 1.313(c)(2) to withdraw this application from issue. In accordance with Rule 313(c)(2), this petition is accompanied by a request for continued examination ("RCE") in compliance with 37 CFR § 1.114, and also includes as a submission an Information Disclosure Statement and a PTO Form 1449.

Please charge the \$130.00 fee for this Petition, and the fee of \$790.00 for filing a Request for Continued Examination under Rule 1.17(e), to the Deposit Account No. 08-2336. It is not believed that this Petition occasions any additional fees, but should there be any further fees due, please charge the same to Deposit Account No. 08-2336.

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To expedite consideration of this Petition and assist the Petitions branch of the USPTO, on April 3, 2007, undersigned counsel telephoned the Petitions branch, and advised the Petitions branch that this Petition would be filed by Thursday April 5, 2007. Since an Issue Notification appearing on the USPTO's Patent Application Information Retrieval System ("PAIR") shows that the issue date for the present application is scheduled to be April 17, 2007, it respectfully is submitted that this Petition is being timely filed on Hand Delivery to the USPTO. The reason for this Petition is as follows.

Prosecution in the instant application was closed by a Notice of Allowance mailed on December 11, 2006, and the issue fee was paid March 7, 2007. During prosecution of a copending application USSN 10/536,857 a provisional double patenting rejection was advanced over the claims of the present application. A decision as to whether a terminal disclaimer will be timely filed to overcome that rejection has not yet been reached. However, assuming a terminal disclaimer is filed, it is fundamental that the filing of a terminal disclaimer is not an admission of obviousness. See *Quad Environmental Technologies Corp. v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991), and MPEP § 804.02. Notwithstanding that, out of an over abundance of caution, and in continuing recognition of the applicants' obligations to the USPTO under Rule 56, this application is being withdrawn from issue to submit art that was made of record in copending application USSN 10/536,857. Hence, the Information Disclosure Statement ("IDS") filed concurrently herewith includes art that has been made of record in that application.

Accordingly, in view of the foregoing facts, and Applicants' efforts to ensure that the prosecution of their application satisfies their duty of candor, it respectfully is requested that this Petition to withdraw this application from issue be Granted.

I hereby certify that this correspondence is being transmitted to the United States Patent Office via hand delivery on April 5, 2007.

Janice Font
4-5-07

Respectfully submitted,

William R. Reid

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